

AN ACT relating to education assessment and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔ Section 1. KRS 158.6451 is amended to read as follows:

- (1) The General Assembly finds, declares, and establishes that:
- (a) Schools shall expect a high level of achievement of all students.
 - (b) Schools shall develop their students' ability to:
 - 1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;
 - 2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;
 - 3. Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, **hard work**, honesty, human worth, justice, knowledge, **patriotism**, respect, responsibility, and self-discipline;
 - 4. Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;
 - 5. Think and solve problems in school situations and in a variety of situations they will encounter in life;~~and~~
 - 6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources;**and**
 - 7. Express their creative talents and interests in visual arts, music, dance and dramatic arts.**
 - (c) Schools shall increase their students' rate of school attendance.
 - (d) Schools shall **increase their students' graduation rates and** reduce their

students' dropout and retention rates.

- (e) Schools shall reduce physical and mental health barriers to learning.
 - (f) Schools shall be measured on the proportion of students who make a successful transition to work, post-secondary education, and the military.
- (2) The Kentucky Board of Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes, and assessment strategies developed pursuant to this section and KRS 158.645 and 158.6453. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, alternative ways of using school time, and strategies to incorporate character education throughout the curriculum.

➔ Section 2. KRS 158.6453 is amended to read as follows:

(1) **As used in this section:**

- (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;**
- (b) "Constructed response or performance based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in the blank, short answer, extended answer, open response, and writing on demand formats;**
- (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;**
- (d) "End-of-course examination" means the same as defined in KRS 158.860;**

- (e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;
- (f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
- (g) "National norm-referenced test" means a type of test interpretation in which the performance of student scores are reported by comparing performance to how other students in a national sample performed;
- (h) "Program audit" means a form of program review that is a systematic method of analyzing components of an instructional program and areas for improvement that is conducted as a result of a program review that indicates a more in-depth process of analysis and assistance is needed;
- (i) "Program review" means a systematic method of analyzing components of an instructional program including instructional practices, aligned and enacted curriculum, student work samples, formative and summative assessments, professional development and support services, and administrative support and monitoring;
- (j) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
- (k) "Writing" means a purposeful act of thinking and expression that uses

language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.

(2) (a) Within thirty (30) days of the effective date of this Act, the Kentucky Department of Education in collaboration with the Council on Postsecondary Education shall plan and implement a comprehensive process for revising the academic content standards in reading, language arts including writing, mathematics, science, social studies, arts and humanities, and practical living skills and career studies. The revision process shall include a graduated time table to ensure that all revisions are completed to allow as much time as possible for teachers to adjust their instruction before new assessments are administered.

(b) The revisions to the content standards shall:

1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
2. Result in fewer, but more in-depth standards to facilitate mastery learning;
3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
4. Be based on evidence-based research;
5. Consider international benchmarks; and
6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.

(c) The revision process, jointly organized by the commissioner of education and the president of the Council on Postsecondary Education, shall engage practicing teachers from elementary and secondary education in discussions and negotiations with content faculty and staff from

postsecondary education institutions. The process shall also include business and industry professionals who are actively engaged in career fields that depend on the various content areas, and others as deemed appropriate by the commissioner and the president.

(d) During the revision process the department shall consider standards that have been adopted by national content advisory groups and professional education consortia.

(e) Using a variety of strategies and technologies, the proposed revisions to the academic content standards shall be widely disseminated throughout the state to elementary, secondary, and postsecondary education faculty and administrators, parents, citizens, private professionals in the content areas, and others for comment and recommendations. The results of the revision process shall ensure that the specifications in paragraph (b) of this subsection are met.

(f) The commissioner of education and the president of the Council on Postsecondary Education shall ensure that the revised academic standards that are recommended to the Kentucky Board of Education for approval are aligned with postsecondary education course and assessment standards for the gateway areas of reading and mathematics. The council shall also review the proposed academic standards in all other content areas and provide written recommendations as needed to ensure those areas are aligned with postsecondary education requirements.

(g) 1. The Kentucky Board of Education shall consider for approval the revisions to academic content standards for a content area as they are completed.

2. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs no later

than thirty (30) days after approval by the state board.

3. All academic content standards revisions shall be completed and approved by the state board no later than December 15, 2010, and disseminated by the Department of Education to elementary and secondary schools, postsecondary education faculty in the respective content areas, and to all teacher preparation programs no later than January 15, 2011.

(h) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:

1. Integrate the revised content standards into classroom instruction;
2. Better integrate performance assessment of students within their instructional practices; and
3. Help all students use higher-order thinking and communication skills.

(i) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns after the effective date of this Act will have experience planning classroom instruction based on the revised standards.

(j) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.

(3) (a) The Kentucky Board of Education shall be responsible for creating and

implementing a balanced statewide assessment program that measures the students', schools', and districts'~~[to be known as the Commonwealth Accountability Testing System to ensure school accountability for student]~~ achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and to ensure school accountability.

(b) Using the revised academic standards developed pursuant to subsection (2) of this section, the board shall revise the annual statewide assessment program for implementation in the 2011-2012 academic year.

(c) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the National Technical Advisory Panel on Assessment and Accountability in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

(4) (a) The assessment program to be implemented in the 2011-2012 academic year shall be composed of annual student assessments and state and local program reviews and audits in selected content areas.

(b) The state student assessments may include formative and summative tests that:

1. Measure individual student achievement in the academic core content areas of language, reading, English, mathematics, science, and social studies at designated grades;
2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;

3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
 4. Provide comparisons with national norms for mathematics, reading, social studies, and science, and where available, comparisons to other states;
 5. Provide information to teachers that can enable them to improve instruction for current and future students;
 6. Provide longitudinal profiles for students; and
 7. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (c) The state and local program reviews and audits shall provide annual feedback to each school relating to selected programs and serve as indicators of the quality of educational experiences available to students. Program reviews and audits shall provide recommendations for improving program components in order to better teach and assess students within these programs. Program reviews shall ensure school and district accountability for student achievement of the capacities set forth in KRS 158.645 and the goals set forth in Section 1 of this Act.
- (5) The state student assessments to be implemented in the 2011-2012 academic year shall include the following components:
- (a) Elementary and middle grades requirements are:
 1. A criterion-referenced test in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic

content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles;

2. A criterion-referenced test in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles to be administered one (1) time within the elementary and middle grades, respectively;
3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and two (2) times within the middle grades;
4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively; and
5. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8) as provided in subsection (11) of this section; except the readiness examination may be moved to grade nine (9) by the Kentucky Board of Education based on compelling evidence that moving the test would be in the best interests of Kentucky students;

(b) High school requirements are:

1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards that are not covered in the assessment under subparagraph 6. of this paragraph to be administered one (1) time within the high school grades;

2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles and to be administered one (1) time within the high school grades;
 3. An on-demand assessment of student writing to be administered two (2) times within the high school grades;
 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades;
 5. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10) as provided in subsection (11) of this section; and
 6. The ACT examination to assess English, reading, mathematics, and science in grade eleven (11) as provided in subsection (11) of this section;
- (c) The Kentucky Board of Education shall add any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, as determined by the United States Department of Education;
- (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items and the national norm-referenced components shall be composed of multiple choice items;
- (e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of

requirements for criterion-referenced tests required under paragraph (b) of this subsection; and

(f) The results of the assessment program developed under this subsection shall be used to determine appropriate instructional modifications for all students in order for students to make continuous progress including that needed by advanced learners.

(6) Beginning in the 2011-2012 academic year, each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. Testing shall be limited to no more than five (5) days. The Kentucky Board of Education shall promulgate administrative regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.

(7) Beginning in the 2011-2012 academic year, the Kentucky assessment program shall include program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing programs. The results of the program reviews and audits of arts and humanities, practical living skills and career studies and writing required under this subsection shall be included in the accountability system as required by Section 4 of this Act.

(a) Arts and humanities.

1. The Kentucky Department of Education shall provide guidelines for arts and humanities programs and for integration of these within the curriculum to all schools.

2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section.

The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.

3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.
4. Each school-based decision making council shall analyze the findings from program reviews for its school and determine how it will address program recommendations to improve the program for students.

(b) Practical living skills and career studies.

1. The Kentucky Department of Education shall provide guidelines for practical living skills and career studies and integration of these within the curriculum to all schools and teacher preparation programs.
2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.
3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education

in compliance with the requirements established by the state board.

4. Each school-based decision making council shall analyze the findings from programs reviews for its school and determine how it will address program recommendations to improve the program for students.

(c) Writing.

1. The Kentucky Department of Education shall provide guidelines for an effective writing program and establish criteria to use in the program review and program audit process as defined in subsection (1)(h) and (i) of this section. The department shall distribute the guidelines and criteria for program reviews within the curriculum to all schools and teacher preparation programs.
2. Each school-based decision making council or if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.
3. Writing portfolios, consisting of samples of individual student work that represent the interests and growth of the student over time, shall be a required part of any writing program in primary through grade twelve (12). Portfolios shall be part of the required criteria for the program review and audit process relating to the writing program under this paragraph. Individual student scores on portfolios shall not be included in the accountability system.
4. A writing portfolio shall be maintained for each student and follow

each student from grade to grade and to any school in which the student may enroll.

5. A school's policies for the writing program shall address the use of the portfolio for determining a student's performance in:

a. Communication;

b. Grading procedures and feedback to students regarding their writing and communication skills;

c. The responsibility for review of the portfolios and feedback to students; and

d. Other policies to improve the quality of an individual student's writing and communications skills.

6. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

The Department of Education shall ensure that all schools and districts understand how the results of the program reviews and audits of arts and humanities, practical living skills and career studies and writing are included in the accountability system under Section 4 of this Act and shall provide assistance to schools to improve the quality of the programs under this subsection.

(8) Local school districts may select and use commercial interim or formative assessments or develop and use their own formative assessments to provide data on how well their students are growing toward mastery of Kentucky academic core content. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.

(9) Beginning with the 2010-2011 school year, each school that enrolls primary

students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.

(10) In revising the state assessment program for implementation in 2011-2012 academic year, the state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.

~~[(2) The assessment program shall include the following components:~~

- ~~(a) A customized or commercially available norm-referenced tests that measures, to the extent possible, the core content for assessment. The test shall provide valid and reliable results for individual students;~~
- ~~(b) Open-response or multiple-choice items, or both, to assess student skills in reading, mathematics, science, social studies, the arts, the humanities, and practical living and vocational studies; and an on-demand assessment of student writing. These assessments shall measure, to the extent possible, the core content for assessment;~~
- ~~(c) Writing portfolios consisting of samples of student work. After receiving the advice of the Writing Advisory Committee, the Kentucky Board of Education shall, by September 1 following April 14, 1998, file a notice of intent to promulgate an administrative regulation which reduces the teacher and student time involved in preparing a writing portfolio. Time reduction strategies included in the administrative regulation may include, but are not limited to, limiting the time spent on a single portfolio entry, limiting the number of revisions, or collecting entries at different grade levels;~~

~~(d) Performance assessment events for schools that have students enrolled in performing arts organizations sponsoring sanctioned events with an established protocol for adjudication; and~~

~~(e) A technically sound longitudinal comparison of the assessment results for the same students.~~

~~(3) The provisions of subsection (2) of this section shall apply to elementary schools, and shall also apply to middle and high schools, except as provided in subsections (4) to (8) of this section.]~~

(11) ~~[(4) No later than the 2007-2008 school year, and each year thereafter,]~~The following provisions shall apply to the assessment **requirements**~~[program]~~ for middle and high schools:

(a) The assessment program shall include:

1. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8);
2. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);
3. The ACT college admissions and placement examination to assess English, reading, mathematics, and science, to be taken by all students in grade eleven (11); and
4. Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education;

(b) 1. A student whose scores on the high school readiness examination administered in grade eight (8) **or as determined by the Kentucky Board of Education under subsection (5) of this section** indicate a high degree of readiness for high school shall be counseled to enroll in accelerated courses; and

2. A student whose scores on the college readiness examination administered in grade ten (10) or the ACT college admissions and placement examination administered in grade eleven (11) indicate a high degree of readiness for college shall be counseled to enroll in accelerated courses, with an emphasis on Advanced Placement classes;
- (c) The cost of the initial ACT examination administered to students in grade eleven (11) shall be paid for by the Kentucky Department of Education. The costs of additional ACT examinations shall be the responsibility of the student;~~[-and]~~
- (d) If funds are available, the Kentucky Department of Education shall provide an ACT preparation program to all public high school juniors. The department may contract for necessary services; and
- (e) The components of the middle and high school assessment program set forth in paragraph (a) of this subsection shall be administered in lieu of a customized or commercially available norm-referenced test under subsection (10)~~[(2)]~~(a) of this section.

(12) ~~[(5) No later than the 2007-2008 school year, and each year thereafter,]~~Students in grades ten (10), eleven (11), and twelve (12) may take the WorkKeys assessments from ACT, Inc. in reading for information, locating information, and applied mathematics.

- (a) The costs of the initial WorkKeys assessments shall be paid by the Kentucky Department of Education if funds are available for this purpose. The cost of additional WorkKeys assessments shall be the responsibility of the student.
- (b) A student whose scores on the WorkKeys assessments indicate that additional assistance is required in reading for information, locating information, or applied mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

- (c) A student meeting the WorkKeys threshold established by the Department of Workforce Investment shall be issued the appropriate Kentucky employability certificate.

~~[(6) (a) The Kentucky Department of Education shall conduct periodic studies comparing the standards in reading, mathematics, and science for middle and high schools within the Kentucky core content for assessment and the concepts and content measured by the ACT and the high school and college readiness examinations under subsection (4)(a) of this section.~~

- ~~(b) If the department determines that reading, mathematics, and science assessments required under subsection (4)(a) of this section are shown to provide direct measures of content standards and concepts identified in the Kentucky core content for assessment, the Kentucky Board of Education shall seek the advice of the Office of Education Accountability, the School Curriculum, Assessment, and Accountability Council, and the National Technical Advisory Panel on Assessment and Accountability regarding reducing the number of questions on the Commonwealth Accountability Testing System.~~

- ~~(c) The Kentucky Department of Education shall continue to include open-response or multiple-choice items, or both, that assess student knowledge and skills in reading, mathematics, and science to the degree necessary for adequate coverage of the elements of the Kentucky core content for assessment not covered by the examinations.]~~

(13)~~[(7)]~~ Accommodations provided by ACT, Inc. to a student with a disability taking the assessments under subsection (11)~~[(4)]~~(a)3. of this section shall consist of:

- (a) Accommodations provided in a manner allowed by ACT, Inc. when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in paragraph (b) of this subsection; or

- (b) Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under paragraph (a) of this subsection when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.

~~(14)~~~~(8)~~ The assessments under subsections **(11) and (12)**~~(4) and (5)~~ of this section shall be known as the "Kentucky Work and College Readiness Examination" or "Readiness Examination."

~~(15)~~~~(9)~~ Kentucky teachers shall have a significant role in the design of the assessments. The assessments shall be designed to:

- (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year **until the 2011-2012 academic year. The revised academic content standards developed as required by subsection (2) of this section shall be used in the revised assessment program for implementation in the 2011-2012 academic year as required by subsection (3) of this section.** Any **future** revisions to the core content for assessment shall be developed through a public process involving parents; educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and organizations; and business and civic leaders and shall be distributed to all public schools;
- (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable; and
- (c) Minimize the time spent by teachers and students on assessment.

(16) (a) Through the fall of 2011,~~(10)~~—]results from the state assessment under this

section shall be reported to the school districts and schools no later than one hundred fifty (150) days following the first day the assessment can be administered.

(b) Beginning in the fall of 2012, the results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the first day the assessment can be administered.

(17)~~(14)~~ The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.

(18)~~(12)~~ ~~[In addition to statewide testing for the purpose of determining school success,]~~The **Department of Education and the state** board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.

(19) No later than sixty (60) days after the effective date of this Act, the state board shall revise the Administration Code for Kentucky's Assessment Program to

include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The revisions shall include disciplinary sanctions that may be taken toward a school or individuals.

~~(20)~~~~(13)~~ The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:

- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:
 - 1. Student academic achievement, including the results from each of the assessments administered under this section;
 - 2. For Advanced Placement and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations or a score of five (5) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status. This data shall be

- included in the report card beginning with the 2009-2010 academic year;
3. Nonacademic achievement, including the school's attendance, retention, graduation~~dropout~~ rates, and student transition to adult life; and
 4. School learning environment, including measures of parental involvement;
- (b) An individual student report to parents for each ~~fifth-grade~~ student in grades three (3) through eight (8) summarizing the student's skills~~readiness~~ in reading and mathematics~~based on the student's fourth-grade state assessment results~~. The school's ~~fifth-grade~~ staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths;
- (c) An individual report for each student who takes a high school or college readiness examination administered under subsection (11)~~(4)~~(a) of this section that:
1. Provides the student's test scores;
 2. Provides a judgment regarding whether or not a student has met, exceeded, or failed to meet the expectations for each standard assessed; and
 3. Is designed to assist students, parents, and teachers to identify, assess, and remedy academic deficiencies prior to high school graduation; and
- (d) A student's scores on the ACT examination or WorkKeys assessments administered under subsections (11) and (12)~~(4)(a) and (5)~~ of this section and the ACT examination under KRS 158.6459(5) shall be recorded on his or her official high school transcript.

(21) The Kentucky Board of Education shall conduct periodic alignment studies that compare the norm-referenced tests required under subsection (5) of Section 2 of this Act with the standards in the different content areas to determine how well

the norm-referenced tests align and adequately measure the depth of knowledge and breadth of Kentucky's academic content standards. Based on its findings from the studies, the board may decrease the number of required criterion-referenced items required under subsection (5) of Section 2 of this Act.

➔Section 3. KRS 158.6452 is amended to read as follows:

- (1) A School Curriculum, Assessment, and Accountability Council is hereby created to study, review, and make recommendations concerning Kentucky's system of setting academic standards, assessing learning, *identifying academic competencies and deficiencies of individual students*, holding schools accountable for learning, and assisting schools to improve their performance. The council shall advise the Kentucky Board of Education and the Legislative Research Commission on issues related to the development and communication of the academic expectations and core content for assessment, the development and implementation of the statewide assessment and accountability program, *recognition of high performing schools,*~~the distribution of rewards and~~ imposition of sanctions, and assistance for schools to improve their performance under KRS 158.6453, 158.6455, 158.782, and 158.805.
- (2) The School Curriculum, Assessment, and Accountability Council shall be composed of seventeen (17) voting members appointed by the Governor. On making appointments to the council, the Governor shall assure broad geographical representation and representation of elementary, middle, and secondary school levels; assure equal representation of the two (2) sexes, inasmuch as possible; and assure that appointments reflect the minority racial composition of the Commonwealth. The members shall serve terms of two (2) years with no member serving more than two (2) consecutive terms, except that seven (7) of the initial appointments shall be for four (4) year terms. The members shall be appointed as follows:

- (a) Two (2) parents from recommendations submitted by organizations representing school councils and parents;
 - (b) Two (2) teachers from recommendations submitted by organizations representing teachers;
 - (c) Two (2) superintendents from recommendations submitted by organizations representing superintendents;
 - (d) Two (2) principals from organizations representing school administrators;
 - (e) Two (2) local school board members from recommendations submitted by organizations representing school boards;
 - (f) Two (2) school district assessment coordinators from recommendations submitted by organizations representing district assessment coordinators;
 - (g) Two (2) employers in the state from recommendations submitted by organizations representing business and industry;
 - (h) Two (2) university professors with expertise in assessment and measurement;
and
 - (i) One (1) at-large member.
- (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair annually from its membership.
- (4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the council or while serving as representative of the council.
- (5) The School Curriculum, Assessment, and Accountability Council shall meet at least four (4) times each year at times and places as it determines by resolution.
- (6) The School Curriculum, Assessment, and Accountability Council shall be attached to the Department of Education for administrative purposes. It shall be provided appropriate staff and resources to conduct its work.

➔Section 4. KRS 158.6455 is amended to read as follows:

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.

(1) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish a system for identifying~~[and rewarding]~~ successful schools.~~[A reward shall be distributed to successful schools based on the number of full-time, part-time, and itinerant certified staff employed in the school on the last working day of the year of the reward to be used for school purposes as determined by the school council or, if none exists, the principal.]~~ The Kentucky Board of Education shall identify reports, paperwork requirements, and administrative regulations from which high performing schools shall be exempt.

(b) ~~[Effective July 1, 2006,]~~The Kentucky Board of Education shall recognize~~[reward]~~ schools that exceed their improvement goal and have an annual average dropout rate below five percent (5%). A student shall be included in the annual average dropout rate if the student was enrolled in the school of record for at least thirty (30) days during the school year prior to the day he or she was recorded as dropping out of school. A student shall not be included in a school's annual average dropout rate if:

1. The student is enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a General Educational Development (GED) diploma; or
2. The student has withdrawn from school and is awarded a General Educational Development (GED) diploma by October 1 of the following

school year.

- (c) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by the assessment program ~~[Commonwealth Accountability Testing System]~~ established in KRS 158.6453.

- (2) ~~[After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate by administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A the formula for a school accountability index to classify schools every two (2) years based on whether they have met their threshold level for school improvement, with school years 1998-2000 serving as the baseline, except the Department of Education shall seek advice from the National Technical Advisory Panel on Assessment and Accountability for adjustments required if substantive changes are made to the assessment and accountability system. The formula shall reflect the school goals described in KRS 158.6451, except there shall be no measurement of the goals included in subsection (1)(b)3. and (1)(b)4.]~~ *After the academic standards are revised and a new student assessment program is developed pursuant to Section 2 of this Act, the Kentucky Board of Education shall create an accountability system to classify districts and schools.*

1. The accountability system shall include:

- a. The results of program assessments of arts and humanities, practical living skills and career studies, and writing programs;*
- b. Student assessment results;*
- c. School improvement results; and*
- d. Other factors deemed appropriate by the board.*

2. The board shall determine how student assessment and program assessment data from the 2011-2012 and 2012-2013 school years shall be used and reported within the new accountability system.

3. Prior to promulgating administrative regulations to revise the accountability system, the board shall seek advice from the School Curriculum, Assessment, and Accountability Council; the Office of Education Accountability; the Education Assessment and Accountability Review Subcommittee; and the National Technical Advisory Panel on Assessment and Accountability.

(3) A student's test scores shall be counted in the accountability measure~~[index]~~ of:

- (a) 1. The school in which the student is currently enrolled if the student has been enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education~~[one hundred (100) days of the school year prior to the beginning of the statewide testing period]~~; or
2. The school in which the student was previously enrolled if the student was enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education~~[one hundred (100) days of the school year prior to the beginning of the statewide testing period]~~; and
- (b) The school district if the student is enrolled in the district for at least a full academic year as defined by the Kentucky Board of Education~~[one hundred (100) days of the school year prior to the beginning of the statewide testing period]~~; and
- (c) The state if the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing period.

(4) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of

Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish appropriate consequences for schools failing to meet their accountability measures~~[threshold]~~. The consequences shall be designed to improve the academic performance and learning environment of identified schools~~[teaching and learning]~~ and may include but not be limited to:

- (a) A review and~~[scholastic]~~ audit process under subsection (5) of this section to determine the appropriateness of a school's or district's classification and to recommend needed assistance;
 - (b) School and district improvement plans;
 - (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
 - (d) Education assistance from highly skilled certified staff under KRS 158.782;
 - (e) Evaluation of school personnel; and
 - (f) Student transfer to successful schools.
- (5) ~~[(a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability,] The~~ Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing the guidelines for conducting program reviews and~~[scholastic]~~ audits~~[, which shall include the process for:~~
- 1. ~~Appointing and training team members. The team shall include at least a highly skilled certified educator under KRS 158.782, a teacher, a principal or other local district administrator, a parent, and a university faculty member;~~
 - 2. ~~Reviewing a school's learning environment, efficiency, and academic~~

~~performance of students and the quality of the school council's data analysis and planning in accordance with KRS 160.345(2)(j);~~

~~3. Evaluating each certified staff member assigned to the school. Only certified members of the audit team shall evaluate personnel; and~~

~~4. Making a recommendation to the Kentucky Board of Education about the appropriateness of a school's classification and a recommendation concerning the assistance required by the school to improve teaching and learning.~~

~~(b) The scholastic audit team shall consider the functioning of the school council in its review and make recommendations for improvement of the school council, if needed, and concerning the authority of the school council if required under KRS 160.346.~~

~~(c) For information purposes, the board shall also conduct scholastic audits in a sample of schools that achieved their goal and report to the public on the resulting findings regarding each aspect of the schools' operations required under subparagraph 2. of paragraph (a) of this subsection].~~

(6) All students who drop out of school during a school year shall be included in a school's annual average school **graduation rate calculation**~~[dropout rate]~~, except as provided in subsection (1)(b) of this section.

(7) After receiving the advice of the **Education Assessment and Accountability Review Subcommittee**, ~~the~~ Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a two (2) year period, rewards for leadership in improving teaching and learning in

the district, and consequences that address the problems and provide assistance when the district fails to achieve its goals set by the board. *The board shall revise the district accountability system based on the revised assessment program, including program and student assessments, to be implemented in the 2011-2012 school year as required in Section 2 of this Act.*

- (8) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

➔Section 5. KRS 158.6458 is amended to read as follows:

The Department of Education shall develop a plan for implementing the state assessment and accountability system created under KRS 158.6453 and 158.6455 and shall report quarterly to the Interim Joint Committee on Education on its progress in the following areas:

- (1) Establishing a consistent structure of test components, grade-level testing distribution, and test administration procedures;
- (2) Beginning a new cycle of equating procedures for which their adequacy and precision can be tested rigorously and conducting appropriate equating analyses to

accommodate the new accountability system;

- (3) Publishing more complete and informative guides for interpreting school accountability~~[index score]~~ changes ~~[that include information about the estimated error of the accountability index, as well as information about the connections between index score changes and estimated changes in student performance levels];~~
- (4) Reviewing school accountability classifications to assure their construct validity in all cases where they are applied;
- (5) Maintaining and strengthening the ***assessment of schools' program reviews***~~[annual audit of portfolio scores in ways that serve to minimize the differences between teacher-produced scores and audit-generated scores];~~
- (6) Developing and implementing a validity research plan as required under KRS 158.6453;
- (7) Establishing additional routine audits of key processes in the assessment and accountability program;
- (8) Maintaining and cataloging a library of technical documents related to the assessment and accountability program for internal and external review purposes. In addition, the department shall produce an annual technical report for audiences that include educators, testing coordinators, parents, and legislators; and
- (9) Maintaining a vigorous ongoing program of research and documentation of the effects of the assessment and accountability system on Kentucky schools.

➔Section 6. KRS 158.6459 is amended to read as follows:

- (1) A high school student whose scores on the high school readiness examination administered in grade eight (8), on the college readiness examination administered in grade ten (10), or on the WorkKeys indicate that additional assistance ***or advanced work*** is required in English, reading, or mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

- (2) A high school student whose score on the ACT examination under KRS 158.6453 ~~(11)~~~~(4)~~(a)3. in English, reading, or mathematics is below the systemwide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution without placement in a remedial course or an entry-level course with supplementary academic support shall be provided the opportunity to participate in accelerated learning designed to address his or her identified academic deficiencies prior to high school graduation.
- (3) A high school, in collaboration with its school district, shall develop and implement accelerated learning that:
- (a) Allows a student's learning plan to be individualized to meet the student's academic needs based on an assessment of test results and consultation among parents, teachers, and the student; and
 - (b) May include changes in a student's class schedule.
- (4) The Kentucky Department of Education, the Council on Postsecondary Education, and public postsecondary institutions shall offer support and technical assistance to schools and school districts in the development of accelerated learning.
- (5) A student who participates in accelerated learning under this section shall be permitted to take the ACT examination a second time prior to high school graduation at the expense of the Kentucky Department of Education. The cost of any subsequent administrations of the achievement test shall be the responsibility of the student.

➔Section 7. KRS 158.649 is amended to read as follows:

- (1) "Achievement gap" means a substantive performance difference on each of the tested areas by grade level of the state assessment program~~[Commonwealth Accountability Testing System]~~ between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who

are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.

- (2) By November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the state assessment program described in Section 2 of this Act~~[Commonwealth Accountability Testing System]~~. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. *Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.*
- (3) ~~[By December 1, 2002,]~~ Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a biennial target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.
- (4) By February 1, 2003, and each February 1 in odd-numbered years thereafter, the school-based decision making council, or the principal if there is not a council, with

the involvement of parents, faculty, and staff shall set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial targets before they are submitted to the local board of education for adoption. **Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.**

- (5) By April 1, 2003, and each April 1 in odd-numbered years thereafter, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
- (a) Curriculum alignment within the school and with schools that send or receive the school's students;
 - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
 - (c) Professional development to address the goals of the plan;
 - (d) Parental communication and involvement;
 - (e) Attendance improvement and dropout prevention; and
 - (f) Technical assistance that will be accessed.

Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.

- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340

- (7) Based on the disaggregated~~[-biennial]~~ assessment results, the local board shall determine if each school achieved its~~[-biennial]~~ targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its~~[-biennial]~~ target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the *school improvement*~~[-consolidated]~~ plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) *consecutive years*~~[-successive — biennial]~~. The school's *improvement*~~[-consolidated]~~ plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its biennial target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

➔Section 8. KRS 156.095 is amended to read as follows:

- (1) The Kentucky Department of Education shall establish, direct, and maintain a

statewide program of professional development to improve instruction in the public schools.

- (2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.
 - (a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.
 - (b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.
- (3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the

Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under Section 2 of this Act~~[Commonwealth Accountability Testing System]~~; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall~~[may]~~ include~~[,]~~ but not be limited to~~[, focus on]~~ the following areas:

- (a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;
- (b) Curriculum content and methods of instruction for each content area including differentiated instruction;
- (c) School-based decision making;
- (d) Assessment literacy;
- (e) Integration of performance-based student assessment into daily classroom instruction;
- ~~(f)~~~~(e)~~ Nongraded primary programs;
- ~~(g)~~~~(f)~~ Research-based instructional practices;
- ~~(h)~~~~(g)~~ Instructional uses of technology;
- ~~(i)~~~~(h)~~ Curriculum design to serve the needs of students with diverse learning

styles and skills and of students of diverse cultures;

~~(j)(i)~~ Instruction *in reading, including*~~[of]~~ phonics, *phonemic awareness, comprehension, fluency, and vocabulary*;

~~(k)(j)~~ Educational leadership; and

~~(l)(k)~~ Strategies to incorporate character education throughout the curriculum.

(4) ~~[The department shall utilize its regional service centers, in addition to collaboration with postsecondary education institutions, education cooperative and consortia, and professional education organizations, to provide local district personnel with access to high quality programming.]~~ The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

(5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

(a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.

(b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.

- (c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.
- (6) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.
- (7) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and

enhance skills of personnel to:

- (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
 - (b) Plan specific instructional strategies to teach at-risk students;
 - (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
 - (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
 - (e) Significantly reduce the dropout rate of all students.
- (8) ~~[By July 1, 2001,]~~ The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

➔ Section 9. KRS 158.816 is amended to read as follows:

- (1) The Kentucky Department of Education and the Office of Career and Technical Education, with involvement of representatives from the local school districts and teacher preparation institutions, shall jointly complete an annual statewide analysis and report of academic achievement of technical education students who have completed or are enrolled in a sequence of a technical program of at least three (3) high school credits.
- (2) The analysis shall include the previous year's results from the state assessment program described in Section 2 of this Act ~~[Commonwealth Accountability Testing System]~~. The data shall be disaggregated for all high school students by career

cluster areas of agriculture, business and marketing, human services, health services, transportation, construction, communication, and manufacturing and by special populations. Where available, disaggregated data from other national assessments shall also be used.

- (3) (a) The Kentucky Department of Education, with assistance from the Office of Career and Technical Education, shall coordinate the development of a statewide technical assistance plan to aid providers of programs in identifying areas for improvement for those schools that do not meet their school performance goal and for those schools where technical students as a group do not score equal to or better than the school average in each of the academic areas. The plan shall address methodologies for further analysis at each school including but not limited to:

1. The academic course-taking patterns of the technical students;
2. The rigor and intensity of the technical programs and expectations for student performance in reading, math, science, and writing and other academic skills as well as in technical skill development;
3. The level of communication and collaboration between teachers in technical programs and academic programs, planning, and opportunity for analyzing student achievement, particularly between faculty in the comprehensive high schools with the faculty in state-operated or locally operated secondary area centers and vocational departments;
4. The faculties' understanding of Kentucky's program of studies, academic expectations, and core content for assessment;
5. The knowledge and understanding of academic teachers and technical teachers in integrating mutually supportive curricula content;
6. The level of curricula alignment and articulation in grades eight (8) to sixteen (16);

7. The availability of extra help for students in meeting higher standards;
 8. The availability and adequacy of school career and guidance counseling;
 9. The availability and adequacy of work-based learning;
 10. The availability and adequacy of distance learning and educational technology;
 11. The adequacy of involvement of business and industry in curricula, work-based learning, and program development; and
 12. The adequacy of teachers' preparation to prepare them for teaching both academic and technical skills to all students that are necessary for successful transition to postsecondary education, work, or the military.
- (b) The department and the office, in cooperation with teacher preparation programs, postsecondary education institutions, and other appropriate partners, shall ensure that academic core content is imbedded or integrated within the performance requirements for students.
- (c) The department and the office, in cooperation with the Kentucky Community and Technical College System, shall encourage postsecondary education and business and industry to provide professional development and training opportunities to engage technical faculty in continuous improvement activities to enhance their instructional skills.
- (d) The department and the office shall continue efforts with business and industry to develop occupation skill standards and assessments. All efforts shall be made with the involvement of business, industry, and labor. Skill standards and assessments, where available, shall be used as the focus of the curricula.
- (4) The department and the office shall consult with the Education Professional Standards Board in carrying out the requirements of this section as they relate to teacher preparation.

➔Section 10. KRS 159.035 is amended to read as follows:

- (1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.
- (2) Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.
 - (a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
 - (b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.
 - (c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal,

superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.

- (d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.
 - (e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the state assessment developed under Section 2 of this Act~~[Commonwealth Accountability Testing System under KRS 158.6453]~~ or during a testing period established for the administration of additional district-wide assessments at the school, except if a principal determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.
- (3) (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:
- 1. An excused absence for one (1) day when the member is deployed; and
 - 2. An additional excused absence for one (1) day when the service member returns from deployment.
- (b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
- (c) A student receiving an excused absence under this subsection shall be

considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

➔ Section 11. KRS 158.805 is amended to read as follows:

- (1) There is hereby created the Commonwealth school improvement fund to assist local schools in pursuing new and innovative strategies to meet the educational needs of the school's students and raise at the school's performance level. ~~[Except for the school years 2002-2003 and 2003-2004 when the priority for the use of the fund shall be to provide technical assistance to schools identified under subsection (2) of this section to reduce the achievement gaps among the various groups of students as described in KRS 158.649,]~~The Kentucky Board of Education shall utilize the Commonwealth school improvement fund to provide grants to schools for the following purposes:
 - (a) To support teachers and administrators in the development of sound and innovative approaches to improve instruction or management, *including better use of formative and summative, performance-based assessments;*
 - (b) To assist in replicating successful programs developed in other districts including those calculated to reduce achievement gaps as defined in KRS 158.649;
 - (c) To encourage cooperative instructional or management approaches to specific school educational problems; and
 - (d) To encourage teachers and administrators to conduct experimental programs to test concepts and applications being advanced as solutions to specific educational problems.
- (2) The Kentucky Board of Education shall develop criteria for awards of grants from the Commonwealth school improvement fund to schools identified by the board as needing assistance under KRS 158.6455.

- (3) The Kentucky Board of Education shall have the sole authority to approve grants from the fund.
- (4) The Kentucky Board of Education may establish priorities for the use of the funds and, through the Department of Education, shall provide assistance to schools in preparing their grant proposals. The board shall require that no funds awarded under the Commonwealth school improvement fund are used to supplant funds from any other source. Requests for necessary equipment may be approved at the discretion of the state board, however the cost of equipment purchased by any grantee shall not exceed twenty percent (20%) of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar for dollar basis.
- (5) The Kentucky Board of Education shall establish maximums for specific grant awards. All fund recipients shall provide the board with an accounting of all money received from the fund and shall report the results and conclusions of any funded projects to the Kentucky Board of Education. All fund recipients shall provide the board with adequate documentation of all projects to enable replication of successful projects in other areas of the state.

➔Section 12. KRS 160.345 is amended to read as follows:

- (1) For the purpose of this section:
 - (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
 - (b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;
 2. Instructional programs operated in institutions or schools outside of the district; or
 3. Alternative schools designed to provide services to at-risk populations with unique needs;
- (c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and
- (d) "Parent" means:
1. A parent, stepparent, or foster parent of a student; or
 2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.
- (2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:
- (a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent

representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;

- (b) 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.
2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:
 - a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a

minority parent to the council by ballot; and

- b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;
- (c) 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.
- 2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;
- (d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;
- (e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;
- (f) After receiving notification of the funds available for the school from the

local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;

(g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;

(h) Personnel decisions at the school level shall be as follows:

1. From a list of applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with subsection (2)(i)10. of this section. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect.
2. If the vacancy to be filled is the position of principal, the school council shall select the new principal from among those persons recommended by the local superintendent, except as provided in subparagraph 4. of

this paragraph. The superintendent shall provide additional applicants upon request when qualified applicants are available. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training.

3. Personnel decisions made at the school level under the authority of subparagraphs 1., 2., and 4. of this paragraph shall be binding on the superintendent who completes the hiring process.
 4. If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council.
 5. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020. The superintendent shall provide additional applicants upon request when qualified applicants are available;
- (i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:
1. Determination of curriculum, including needs assessment, ~~and~~ curriculum development *and responsibilities under Section 2(7) of this Act;*
 2. Assignment of all instructional and noninstructional staff time;
 3. Assignment of students to classes and programs within the school;
 4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year

- as established by the local board;
5. Determination of use of school space during the school day;
 6. Planning and resolution of issues regarding instructional practices;
 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
 8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
 9. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
 10. Procedures to assist the council with consultation in the selection of personnel by the principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and
- (j) Each school council shall annually review data~~[on its students' performance]~~ as shown **on state and local student assessments and program assessments required under Section 2 of this Act**~~[by the Commonwealth Accountability Testing System]~~. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by

April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.

- (3) The ~~policies~~~~[policy]~~ adopted by the local board to implement school-based decision making shall also address the following:
- (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
 - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
 - (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
 - (d) Professional development plans developed pursuant to KRS 156.095;
 - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
 - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
 - (g) Requirements for waiver of district policies;
 - (h) Requirements for record keeping by the school council; and
 - (i) A process for appealing a decision made by a school council.
- (4) In addition to the authority granted to the school council in this section, the local

board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.

- (5) After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. All schools shall implement school-based decision making by July 1, 1996, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.
- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the

beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

- (7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.
- (8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of

small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

- (9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
- (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
- (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.
- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.
- (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.

- (11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

➔Section 13. KRS 164.020 is amended to read as follows:

The Council on Postsecondary Education in Kentucky shall:

- (1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;
- (2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;
- (3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting

described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;

- (4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;
- (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;
- (6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;
- (7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;
- (8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states,

the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;

- (9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;
- (10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;
- (11)
 - (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.
 - (b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property,

or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;

- (12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;
- (13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;
- (14) Develop a university track program within the Kentucky Community and Technical College System consisting of sixty (60) hours of instruction that can be transferred and applied toward the requirements for a bachelor's degree at the public universities. The track shall consist of general education courses and pre-major courses as prescribed by the council. Courses in the university track program shall transfer and apply toward the requirements for graduation with a bachelor's degree at all public universities. Successful completion of the university track program shall meet the academic requirement for transfer to a public university as a junior. By fall semester of 1997, requirements for track programs shall be established for all majors and baccalaureate degree programs;
- (15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and

Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;

- (16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:
 - (a) Consistency with the institution's mission and the strategic agenda;
 - (b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
 - (c) Elimination of unnecessary duplication of programs within and among institutions; and
 - (d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;
- (17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;
- (18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;

- (19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;
- (20) Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;
- (21) Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to KRS 161.028;
- (22) Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one (1) or more institutions of postsecondary learning. The responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;
- (23) Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;
- (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of

the Legislative Research Commission for distribution to the Health and Welfare Committee;

- (25) Develop in cooperation with each state postsecondary educational institution a comprehensive orientation program for new members of the council and the governing boards. The orientation program shall include but not be limited to the information concerning the roles of the council, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget, plans, policies, strengths, and weaknesses;
- (26) Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;
- (27) Select and appoint a president of the council under KRS 164.013;
- (28) Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;
- (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;
- (30) Prepare and present by January 31 of each year an annual status report on postsecondary education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;
- (31) Consider the role, function, and capacity of independent institutions of postsecondary education in developing policies to meet the immediate and future needs of the state. When it is found that independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;
- (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;

- (33) Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term;
- (34) Establish a statewide mission for adult education and develop a twenty (20) year strategy, in partnership with the Kentucky Adult Education Program, under the provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult population. The council shall:
- (a) Promote coordination of programs and responsibilities linked to the issue of adult education with the Kentucky Adult Education Program and with other agencies and institutions;
 - (b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;
 - (c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;
 - (d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the Collaborative Center for Literacy Development: Early Childhood through

Adulthood; and

- (e) Administer the adult education and literacy initiative fund created under KRS 164.041; ~~and~~

(35) (a) Participate with the Kentucky Department of Education, the Kentucky Board of Education, and postsecondary education institutions to assure that academic content requirements for successful entry into postsecondary education programs are aligned with high school content standards and that students who master the high school academic content standards shall not need remedial courses. The council shall monitor the results on an ongoing basis; and

(b) Cooperate with the Kentucky Department of Education and the Education Professional Standards Board in providing information sessions to selected postsecondary education content faculty and teacher educators of the high school academic content standards as required under subsection (2)(j) of Section 2 of this Act; and

(36) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

➔ Section 14. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

- (1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;
- (2) "Academic year" means a period consisting of at least the minimum school term, as defined in KRS 158.070;
- (3) "ACT score" means the composite score achieved on the American College Test at

a national test site on a national test date or the ACT exam administered statewide under KRS 158.6453~~(12)~~~~((4))~~(a)3., or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;

- (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- (5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;
- (6) "Council" means the Council on Postsecondary Education created under KRS 164.011;
- (7) "Eligible high school student" means any person who:
 - (a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;
 - (b) Was enrolled after July 1, 1998:
 - 1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;
 - 2. In a Kentucky high school for the fall academic term of the senior year and who:
 - a. Was enrolled during the entire academic term;
 - b. Completed the high school's graduation requirements during the fall academic term; and
 - c. Was not enrolled in a secondary school during any other academic term of that academic year; or
 - 3. In the Gatton Academy of Mathematics and Science in Kentucky while meeting the Kentucky educational excellence scholarship curriculum requirements;

- (c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and
 - (d) Is not a convicted felon;
- (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:
- (a) Earned a KEES award;
 - (b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;
 - (c) Has remaining semesters of eligibility under KRS 164.7881;
 - (d) Is enrolled in a participating institution as a part-time or full-time student; and
 - (e) Is not a convicted felon;
- (9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;
- (10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;
- (11) "High school" means any Kentucky public high school, the Gatton Academy of Mathematics and Science in Kentucky, and any private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;
- (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship

provided under KRS 164.7871 to 164.7885;

(13) "KEES award" means:

(a) For an eligible high school student, the sum of the KEES base amount for each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and

(b) For a student eligible under KRS 164.7879(3)(d), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;

(14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;

(15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;

(16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;

(17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;

(18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;

(19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education institution as necessary to complete a bachelor's degree by the end of eight (8) academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;

(20) "Participating institution" means an "institution" as defined in KRS 164.001 that actively participates in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:

- (a)
 - 1. Is publicly operated;
 - 2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates or recipients of a General Educational Development (GED) diploma or students transferring from another accredited degree granting institution; or
 - 3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and
 - (b) Continues to commit financial resources to student financial assistance programs; and
- (21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for an institution that does not use credit hours.

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) Within thirty (30) days from the effective date of this Act, each postsecondary education institution shall plan and implement a process to develop core academic content standards for reading and mathematics for introductory courses in the public postsecondary education institutions.
- (2) The process shall ensure that secondary educators are engaged with the postsecondary education faculty and other content specialists in order that the standards at each educational level are vertically aligned.
- (3) The Council on Postsecondary Education, the Department of Education, and the postsecondary education institutions are urged to merge activities, resources, and

dissemination efforts as is practical to eliminate duplication of effort and conflicting recommendations.

(4) All core academic standards for mathematics and reading in introductory courses shall be completed by December 15, 2010 with a target completion date of December 15, 2009 for the mathematics standards.

➔Section 16. Whereas writing is an essential skill for all public school students to master; and whereas the 2009-2010 and 2010-2011 school years will be a transitional period for revising the content standards in all academic content areas and subsequently revising the state assessment and accountability system, writing portfolios shall remain a required and important instructional tool, but shall not be included in the accountability index as stated in Section 2.(11)(c) of this Act, during the 2008-2009, 2009-2010, and 2010-2011 school years.

(1) During this transitional period, each school-based decision making council, or if there is no school council, a committee appointed by the principal, shall determine its writing program and shall develop policies relating to the use of portfolios, using Section 2.(7)(c)5. of this Act as a guide.

(2) Once the Kentucky Department of Education provides the guidelines and program review requirements for implementation of program reviews of writing in the 2011-2012, each school shall comply with all requirements in Section 2.(11)(c) of this Act, based on time requirements established by the department.

➔Section 17. Whereas, the quality of writing instruction is directly related to how well teachers are prepared in their teacher preparation programs and how confident they are in the writing process; and whereas, some teachers have expressed tentativeness and discomfort in teaching writing to their students, the Education Professional Standards Board and the Kentucky Department of Education shall take actions during the 2009 and 2010 calendar years to improve instruction at the pre-service levels and to improve the ability to teach writing to existing teachers. At a minimum the following shall be

completed:

(1) Using results from the state assessments relating to writing, including previous results of audits of writing portfolios, the Kentucky Department of Education and appropriate partners shall identify any major weaknesses that may be attributed to the quality of writing instruction and consider where and how these skills should best be taught to teachers;

(2) The Education Professional Standards Board shall conduct an analysis of the current requirements at the pre-service level for writing instruction and determine how writing instruction for prospective teachers can be enhanced or improved;

(3) The Education Professional Standards Board shall consider the feasibility of requiring a course in teacher preparation programs in the teaching of writing for pre-service teachers or teachers pursuing Rank II certification;

(4) The Kentucky Department of Education shall review the availability of professional development opportunities to help teachers learn how to improve writing instruction, and to use available resources, including the continuance of writing academies and writing workshops, to ensure that training for developing and evaluating high-quality writing portfolios and writing persuasive letters and articles, as well as poetry, short stories, memoirs, and personal narratives is available to existing teachers; and

(5) The Kentucky Department of Education shall provide training to administrators to help them provide leadership and support for an effective writing program within their schools.

➔Section 18. Whereas it is imperative that schools, administrators, teachers, parents, and policymakers maintain high expectations for Kentucky's students, and it is important that there be an orderly transition from the state assessment utilized on the effective date of this Act to the new assessment and accountability system is implemented in 2011-2012 so as to relieve teachers, schools, and administrators of

unnecessary work, costs, and professional burdens, the following conditions shall apply:

(1) The Kentucky Board of Education shall provide for an interim assessment process as described in Section 19 of this Act;

(2) The board shall ensure that all student assessments and data collection and reporting necessary to meet the accountability and proficiency requirements for the federal No Child Left Behind Act (NCLB) are met;

(3) The board shall suspend the calculation of a state accountability index for 2008-2009, 2009-2010, and 2010-2011, but shall ensure that all federal accountability requirements are met;

(4) During the interim period the following shall apply for accountability purposes:

(a) Annual Yearly Progress results from the federal government's No Child Left Behind system shall be used to determine improvement of student achievement for both Title 1 and non-Title 1 schools;

(b) The federal definitions within the No Child Left Behind Act shall be applied to both Title 1 and non-Title 1 schools;

(c) State level assistance and resources shall be provided to Title 1 and non-Title 1 schools falling into the federal definitions of consequences in order to help schools improve student achievement; and

(d) Results of the interim tests shall be reported publicly.

(5) Notwithstanding the provisions of Section 19 of this Act, the board may use mathematics items developed using revised mathematics content standards during the spring of 2010 and administer an initial mathematics test, based on the revised standards during the 2010-2011 testing period to meet NCLB requirements, if approval is granted by the United States Department of Education;

(6) The Kentucky Department of Education shall develop and implement interim program assessments of writing programs, practical living skills and career studies, and

arts and humanities in all schools during the transition period. The department shall finalize the process for program assessments for implementation during the 2011-2012 school year as required in Section 2 of this Act;

(7) The department and board shall ensure that teachers, administrators, and local board of education members are well informed of pending changes in the assessment and accountability system during the transition period and continue to stress the importance of the quality of opportunities for all Kentucky students; and

(8) The board shall take whatever steps necessary to provide for implementation of the revised system.

➔Section 19. (1) Prior to the development and implementation of a new state assessment system for 2011-2012, the Kentucky Board of Education and the Kentucky Department of Education shall provide for a systematic interim process that will lead to a new state student assessment program. The system will continue to include the high school readiness examination in grade eight (8), the college readiness examination in grade ten (10), and the ACT examination in grade eleven (11) as described in Section 2. of this Act.

(2) The current Kentucky criterion-referenced test, which meets the requirements of the federal No Child Left Behind Act, excluding tests for arts and humanities, practical living skills and career studies, and writing portfolios, shall continue to be given for the same subjects in the same grades in the 2008-2009, 2009-2010, and 2010-2011 academic years until the new assessment program is implemented in the 2011-2012 academic year. During the 2009-2010 and 2010-2011 academic years the department shall reduce the length of the test by reviewing and eliminating unneeded test items.

(3) During the 2009-2010 and the 2010-2011 academic years, in addition to the Kentucky criterion-referenced test, there shall be a new stand-alone norm-referenced test in reading and mathematics in grades three (3) through seven (7). The test shall be valid and reliable at the individual student level.

(4) The Kentucky Board of Education shall promulgate administrative regulations outlining the procedures to be used during the interim testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements. During the interim, the testing window for the criterion-referenced test may be up to seven (7) days in 2008-2009 and up to six (6) days during the 2009-2010 and 2010-2011 school years with additional makeup days as determined by the state board.

(5) In the 2008-2009 academic year the Department of Education shall provide each district with a test booklet and scoring sheets for arts and humanities, practical living skills and career studies that may be used by a local district for a local formative or summative evaluation.

(6) During the 2009-2010 and the 2010-2011 academic years, the new stand-alone norm-referenced test in reading and mathematics in grades three (3) through seven (7) shall be given during the one (1) week before or the one (1) week after the established testing window.

➔Section 20. As the Kentucky Department of Education and Kentucky Board of Education carry out their roles in the revisions to the state assessment and accountability system for implementation in 2011-2012, they shall facilitate an extensive review of how exceptional children's needs are being met through the required student assessment process and how student assessment requirements for exceptional children potentially hamper or enhance intellectual and emotional growth of individual students. They shall assess how current assessment procedures for exceptional children and the reporting requirements affect school performance classifications and whether changes need to be made as the revised assessment and accountability system is developed.

➔Section 21. Whereas, the General Assembly finds the continuing high rates of high school students who require remediation at the postsecondary education level totally unacceptable and an unwarranted additional expense to the state, students, and parents

who expect that completion of high school coursework should lead to successful entry and success in postsecondary education, the Council on Postsecondary Education, the Kentucky Board of Education and the Kentucky Department of Education are hereby directed to develop a unified strategy to reduce college remediation rates by at least fifty percent (50%) by 2014 from what they are in 2010 and increase the college completion rates of students enrolled in one (1) or more remedial classes by three percent (3%) annually from 2009 to 2014.

(1) A written plan to reduce the remediation rates and increase graduation rates shall be prepared no later than May 15, 2010. The written plan shall include:

- (a) Yearly goals;
- (b) Action strategies that will be used;
- (c) Timelines;
- (d) Assigned responsibilities for carrying out the strategies;
- (e) Reporting mechanisms.

(2) During the preparation of the plan, the agencies shall investigate whether the current requirements for assessing college readiness are providing needed information, whether additional diagnostic assessments are needed, particularly in mathematics at the high school level, and whether accelerated learning programs have actually been implemented as required by Section 6. of this Act to address students' needs for instructional interventions in English, reading, and mathematics.

(3) The council, the department, and board shall present the initial plan to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue during the 2010 Interim. Thereafter they shall report annually the results of their efforts. When appropriate, the annual reports to the Interim committees shall include recommendations for legislative actions.

➔Section 22. Notwithstanding any statutory provisions to the contrary, the Kentucky Department of Education shall communicate to districts and schools that

decisions about mathematics textbook purchases may be delayed until after the mathematics academic standards have been revised as required by Section 2 of this Act. The department shall allow off-list purchases in order to ensure that textbooks selected align with the revised mathematics academic standards.

➔Section 23. Whereas, the revision of academic content standards is a time-consuming, complex process, and the Kentucky Department of Education needs to initiate the process quickly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.